

**No. T8- 46276/2018/PHQ**

Police Headquarters, Kerala

Thiruvananthapuram

Dated : 26.03.2018

**CIRCULAR No. 10/2018**

Sub : Fire Works Displays - Precautions to be taken – Strict Compliance instructions – reg

- Ref :
- 1) Directions of Hon. Supreme Court of India issued in Judgment dated 18.07.2005
  - 2) The Gazette of India No. 488 dated 5.10.1999.  
(The Environment (Protection) 2<sup>nd</sup> Amendment Rules, 1999)
  - 3) The Gazette of India No. 92 dated 14.2.2000 – (Noise Pollution (Regulation & Control) Rules, 2000)
  - 4) PHQ Circular Nos. 22/69, 78/69, 22/76, 26/82, 17/02.
  - 5) PHQ Executive Directive Nos. 25/04 & 02/05.
  - 6) PHQ Notification No. U6/30380/02 dated 28.11.2002
  - 7) Circular No. 18/2007 dated 25.07.2007.
  - 8) Revised Directives Under Rule 126 of Explosive Rules, 2008.

The festival season in Kerala is marked by fireworks displays of varying intensities. On many occasions accidents have taken place during fireworks displays and manufacturing of fireworks in which hundreds of peoples have lost their lives. Various instructions have issued both by the Government and by the Department regarding the necessity to maintain proper alertness by the police to ensure that manufacturers of fireworks adhere to the safety norms prescribed and that fireworks display are conducted according to the relevant rules and regulations. Some of the relevant instructions have been mentioned in the reference portion above. The key points to be noted in manufacturing and display of fireworks are being listed below for strict compliance by all officers.

**02.** These directives have been issued under Rule 126 of The Explosives Rules 2008. All officers are instructed to study understand and implement these directives without any compromise to ensure public safety. It should be understood that relevant permissions wherever required have to be obtained from the appropriate authorities and that Police Department cannot be expected to ignore these legal requirements in the name of tradition history, local public pressure and such other extraneous considerations. Wherever it is found that a designated authority other than police is not aware of or is not acting in accordance with these instructions with regard to

manufacture storage or display of fireworks the same should be brought to the notice of such authorities in writing by officers concerned well in time to avoid danger to the public.

**03.** These should be read in conjunction with the earlier directives issued through references cited above.

- (i) District Magistrate's office will be the single window for granting licenses in Form LE-6 of the Explosives Rules, 2008 for public display of fireworks. Application for license for public display of fireworks shall be submitted to the District Magistrate's office two months prior to scheduled date of display and if approved, permission will be granted at least one month prior to the display date;
- (ii) District Magistrate may take appropriate decision on relaxation of timing for display of fireworks in the light of Hon'ble Supreme Court's order dated 26.03.2007 in the case of Prevention of Environmental and Sound Pollution Forum Vs Union of India and others [Writ Petition (Civil) No. 72 of 1998];
- (iii) Only authorized fireworks approved by Chief Controller of Explosives shall be used for public display of fireworks (*Rule 6 and condition 4 of licence in Form LE-6 of the Explosives Rules 2008*);
- (iv) For authorization of traditional fireworks viz. Amittus, Kuzhiminnal, Palm leaf crackers, multishots, gundus, etc. manufacturers shall apply to Chief Controller of Explosives, Petroleum and Explosives Safety Organisation (PESO), Nagpur as per Rule 6 of the Explosives Rules 2008, accompanied by particulars namely nature, composition, percentage of ingredients, dimensions, process of manufacture and performance characteristics of the fireworks. PESO will approve the fireworks within 10 days and after submission of fireworks samples, authorization will be accorded within 30 days. Fireworks samples will be submitted to the Office of Deputy Controller of Explosives, Sivakashi who will send the test report to CCE, Nagpur for authorization. Though palm leaf crackers are included in the list of authorized explosives vide notification GSR No. 225 dated 06.09.2006, approval of CCE with respect to its size, construction, design and explosive composition is mandatory;
- (v) Storage licenses to store fireworks, if required, near the display site shall be taken from the Office of Deputy Chief Controller of Explosives, PESO at Ernakulam. The store house (magazine) should be shown in the drawing along with display site (*Rule 71 and Schedule IV of the Explosives Rules 2008*);

- (vi) The District Magistrate shall ascertain that 100 meters safety distance between the fireworks display site and spectators and 250 meters from hospitals, schools and nursing home shall be strictly complied. Barricading shall be provided at 100 meters around the display site to prevent entry of general public in the display area (*conditions 3 and 11 of licence in Form LE-6 of the Explosives Rules 2008*);
- (vii) Wherever these safety distances are not available, the display site should be shifted to a suitable area. Even if safety distances are available but the display site is congested, that may make evacuation of people in case of an accident difficult/ problematic, it should be shifted to an open area;
- (viii) District Authority shall ensure presence of experienced manpower for conducting fireworks display (*condition 24 of licence in Form LE-6 of the Explosives Rules 2008*);
- (ix) District Magistrate shall instruct festival organizers to conduct risk assessment by reputed organizations to identify potential hazards arising on account of fireworks display prior to applying for display licence and ensure that relevant provisions of the Explosives Rules, 2008 are complied with. Based on the risk assessment study, disaster management plan shall be prepared by the District Administration before the fireworks display;
- (x) Strict action should be taken against unauthorized manufacturers and display of fireworks (*Rules 6 and 7 of the Explosives Rules 2008*);
- (xi) District/Police Authorities shall collect samples of fireworks from the premises of manufacturers and submit the same to Regional Chemical Examiner's Laboratory at Ernakulam well in advance to be tested for potassium chlorate or any other chlorate. Fireworks containing chlorate or prohibited chemicals shall not be used for public display (*Rule 128 (c) and condition 6 of licence in Form LE-6 of the Explosives Rules 2008*);
- (xii) District Magistrate will have to send a report every 15 days to the State Government regarding display of fireworks, starting one month prior to start of festival season till the end. The report shall include particulars like no. of applications received, no. of licenses granted, suitability of display site, compliance of the Explosives Rules 2008, etc.

04. Though the above instructions are to be mainly implemented by the District Magistrate, significant and crucial role should be played by the Police. Moreover, Police,

being the first responder to any mishap or accident, it is incumbent on to take all such action to prevent such tragic incident and Police is also bound to prosecute the offenders who violate the law. Further, police has to maintain order in such gatherings to ensure that no accident takes place due to possible disorderly arrangement and behaviour of the spectators. It is made clear that there should be **"Zero"** tolerance to any deviation as it involves public safety, which is very important. Any deficiency, omission or commission on the part of the police officials of any rank will invite stringent action.



**Loknath Behera IPS**  
DGP & State Police Chief

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